

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Petition for Summons for Offender Under Supervision

Name of Offender
Eric William Smith

Docket Number
0971 3:14CR00319-001 MEJ

Name of Sentencing Judge: The Honorable Maria-Elena James
United States Magistrate Judge

Date of Original Sentence: January 8, 2015

Original Offense

Count One: Assimilating California Penal Code§ 18710(a) PC, Possession of a Destructive Device, 18 U.S.C. § 13, a Class A Misdemeanor

Original Sentence: Probation for a term of four years

Special Conditions: Special assessment \$25; fine \$1,000; drug treatment; mental health treatment; no alcohol; search; community service hours; not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons.

Prior Form(s) 12: On August 10, 2016, the Court took judicial notice that the offender tested positive for methamphetamine.

Type of Supervision
Probation
Assistant U.S. Attorney
Marc Wolf

Date Supervision Commenced
January 8, 2015
Defense Counsel
Geoffrey A. Hansen (AFPD)

Petitioning the Court

The issuance of a summons for the offender to appear in court before the Honorable Maria-Elena James for identification of counsel and setting of further proceedings on September 29, 2016, at 10:00 am.

I, Mark Unalp, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the

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course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

<u>Charge Number</u>	<u>Violation</u>
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One	There is probable cause to believe that the offender violated standard condition number seven, which states that he shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.
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On July 5, and July 20, 2016, the client tested positive for methamphetamine.

Evidence in support of this allegation is the laboratory report from Clinical Reference Laboratory (specimen ID# 58072814, 58072598).

Two	There is probable cause to believe that the offender violated standard condition number seven, which states that she shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.
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On August 16, 24, and 31, 2016, the client submitted sweat patches that tested positive for methamphetamine.

Evidence in support of this allegation is the laboratory report from Clinical Reference Laboratory (specimen ID#58123282, 58123153, 58123277).

Based on the foregoing, there is probable cause to believe that Eric Smith violated the conditions of his Supervised Release.

Respectfully submitted,



Mark Unalp
U.S. Probation Officer
Date Signed: September 20, 2016

Reviewed by:



Sonia Lapizco
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a summons for the offender to appear in court before the Honorable Maria-Elena James for identification of counsel and setting of further proceedings on September 29, 2016, at 10:00 am.
- ☐ Other:

September 21, 2016

Date



Maria-Elena James
United States Magistrate Judge

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APPENDIX

Grade of Violations: C

Criminal History at time of sentencing: I

	Statutory Provisions	Guideline Provisions
Custody:	1 year 18 U.S.C. § 3583(e)(3)	3 – 9 months USSG § 7B1.4(a)
Supervised Release:	1 year 18 U.S.C. § 3583(b)(3)	1 year USSG §5D1.2(a)(3)
Probation:	5 years 18 U.S.C. § 3561(c)(2)	3 years USSG §5B1.2(a)(2)